

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

APR 16 2005

ERIC O. MOORE,

Plaintiff,

VS.

Case No. 04-2865-D

DRUG ENFORCEMENT AGENCY,

Defendant.

ROBERT F. COLEMAN
CLERK OF THE U.S. DISTRICT COURT
OF THE WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS, TN
05 MAY 24 PM 12:09
2005

MOTION TO REINSTATE

Comes now Plaintiff, Eric O. Moore, by and through his attorney and respectfully moves this Court for an order to reinstate the above entitled case to the regular trial docket on the following grounds:

Movant states that service of summons and process was effectuated upon the Defendant-D.E.A. on or about November 2, 2004, by certified U.S. Mail return receipt requested (See composite Exhibit "1" attached). Since said time, two (2) amended petitions have been filed and served upon Defendant-D.E.A.

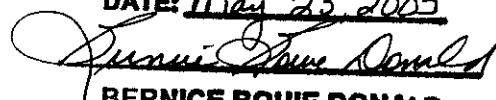
Movant's attorney also states that he never received notice of the April 21, 2005 scheduling conference.

WHEREFORE, Movant respectfully requests that the Order of Conditional Dismissal, entered April 25, 2005, be dismissed and held for naught and that this action be placed on the regular trial docket.

(1)

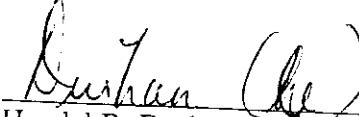
MOTION GRANTED

DATE: May 23, 2005


BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

(8)

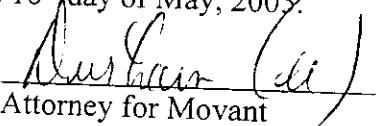
Respectfully submitted,



Handel R. Durham, Jr.
Attorney for Movant
100 N. Main Bldg., Suite 2601
Memphis, Tennessee 38103
Tel. No. (901) 543-0866
Fax No. (901) 543-0865

Certification

I, hereby certify that a copy of the foregoing Motion to Reinstate was hand delivered to Christopher Cotton, Assistant U.S. Attorney, 167 N. Main St., Suite 800, Memphis, Tennessee 38103, and was forwarded by ordinary U.S. Mail to Richard A. Medema, Senior Attorney, Asset Forfeiture Section, D.E.A., HQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-1475, this 16th day of May, 2005.



Attorney for Movant



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:04-CV-02865 was distributed by fax, mail, or direct printing on May 24, 2005 to the parties listed.

Handel R. Durham
DURHAM & ASSOCIATES
100 North Main St.
Ste. 2601
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT